

REMARKS/ARGUMENTS

The Applicant thanks the examiner for his report.

The following claim amendments have been made:

First claim set

-Claim 1 has been amended to require a solvent that comprises a ketone that is water and oil soluble and to delete reference to the cyclic ether. Claim 30 has been amended to claim the cyclic ether limitation previously in claim 1. Consequential amendments have been made to claims 31, 34, 37, 38, and 43 as a result of the amendments to claims 1 and 30.

Second claim set

-Claim 14 has been amended to require a solvent that comprises a ketone that is water and oil soluble and a cyclic ether that is water and oil soluble.

Claims 1, 10, 14, 16-17, 30-31, 43, and 45-47 are rejected under 35 USC 103(a) as being unpatentable over Watkins in view of Munoz and Jennings. Applicants respectfully traverse this rejection.

As indicated above, Applicant has amended all independent claims to require a solvent that is a ketone that is water and oil soluble. As the Applicant has indicated before, combinations that fall within the scope of the Applicant's claims have been found to be effective at acidizing and cleaning up oil or gas wells.

The examiner states in section 2 that "Since Watkins (column 8, lines 6 et seq) clearly contemplates the instantly claimed alcohols, esters and ketones in various concentrations and the properties of solvents are well known, it is reasonable and would have been obvious to the ordinary skilled artisan to employ the solvents in mixtures at varied concentrations in the absence of unobvious and/or criticality of the particular concentrations".

The Applicant submits that the required criticality does exist, and refers the examiner to the table in paragraph 12 of the Applicant's published application. The Applicant submits that samples that give complete oil separation/effervescence in 15 minutes or less are considered to be suitable for use in acidizing and cleaning up an oil or gas well, whereas samples that take longer than 15 minutes are considered to be unsuitable for same.

The Applicant submits that the criticality lies in the fact that every combination of the listed solvents that falls within the claims consistently forms a suitable acidizing solution, whereas combinations outside the claims do not consistently form suitable acidizing solutions. The table shows that combinations outside of the claims are hit and miss, even though some may still be suitable, for example THF (10%) and Acetone (40%) with HCl (50%). By contrast, every combination tested and covered by the claims consistently forms a suitable acidizing solution. Further dependent claims such as claim 38 narrow the concentration ranges to correspond more closely with the concentration ranges tested in the table.

Watkins does not disclose or suggest such combinations, nor does Watkins disclose or suggest the advantages or the criticality of such combinations, and thus the Applicant's claims are patentable over Watkins. Moreover, neither Munoz nor Jennings add anything to Watkins that make up the deficiencies in Watkins.

Therefore, the Applicant submits that it would have been unobvious to a skilled worker with knowledge of Watkins, in view of Munoz and Jennings to provide the Applicant's claimed combinations. The Applicant's claimed combinations are thus patentable.

Reconsideration and withdrawal of the rejections, and allowance of the claims, is respectfully requested.

August 25, 2010,

Respectfully submitted,

A handwritten signature in black ink that reads "Tony Lambert". The signature is written in a cursive style and is positioned to the left of a vertical line.

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